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Byerwalter, William A. Hasler, Robert G. Holmes, Gerald B. Smith,
Donald R. Stephens, Michael W. Wilsey, and Jeff Lyons

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VINAYAK R. PAI DEFINED BENEFITS PENSION
PLAN, on Behalf of Itself and all Others Similarly
Situating,

Plaintiff,

v.

THE CHARLES SCHWAB CORPORATION,
CHARLES SCHWAB & CO. INC., CHARLES
SCHWAB INVESTMENT MANAGEMENT, INC.,
SCHWAB INVESTMENTS, CHARLES R.
SCHWAB, EVELYN DILSAVER, RANDALL W.
MERK, GREGORY HAND, GEORGE PEREIRA,
DONALD F. DORWARD, MARIANN
BYERWALTER, WILLIAM A. HASLER,
ROBERT G. HOLMES, GERALD B. SMITH,
DONALD R. STEPHENS, MICHAEL W. WILSEY,
and JEFF LYONS,

Defendants.

Case No. CV-08-02058 WHA

**NOTICE OF PENDENCY OF
OTHER ACTION**

Related Cases:

Labins, CV-08-01510 WHA
Hageman, CV-08-01733 WHA
Glasgow, CV-08-01936 WHA
Flanzraich, CV-08-01994 WHA

1 Pursuant to Civil L.R. 3-13, defendants hereby notify the Court of the following three
2 actions pending in other district courts:

- 3 • *Bohl v. The Charles Schwab Corporation et al.*, Case No. Civ. 08-10593
4 (“*Bohl*”), filed April 8, 2008;
- 5 • *Coleman v. The Charles Schwab Corporation et al.*, Case No. Civ. 08-10626
6 (“*Coleman*”), filed April 11, 2008; and
- 7 • *Tully v. The Charles Schwab Corporation et al.*, Case No. Civ. 08-03652
8 (“*Tully*”), filed April 16, 2008.

9 The *Bohl*, *Coleman*, and *Tully* actions involve “all or substantially all of the same parties” as
10 the above-captioned action, as well as the four other related actions pending in this Court. The
11 complaints all assert identical claims under Sections 11, 12(a), and 15 of the Securities Act of
12 1933.

13 On May 13, 2008, Defendants filed a motion in the Southern District of New York for
14 transfer of the *Tully* action to the Northern District of California pursuant to 28 U.S.C. § 1404(a).
15 Defendants will shortly file motions in the District of Massachusetts requesting transfer of the
16 *Bohl* and *Coleman* action to this Court on the same grounds.

1 Dated: May 15, 2008

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5 By: /s/ Darryl P. Rains
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17 Stephens, Michael W. Wilsey, and Jeff
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